

**FILED**

FEB 22 2012

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

v.

ABNER BETECH (2)

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 08CR2387-W

Knut S Johnson

Defendant's Attorney

REGISTRATION NO. 10020298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) One and Two of the Superseding Information

☐

was found guilty on count(s) \_\_\_\_\_

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

| <u>Title &amp; Section</u> | <u>Nature of Offense</u>        | <u>Count Number(s)</u> |
|----------------------------|---------------------------------|------------------------|
| 18 USC 1349                | CONSPIRACY TO COMMIT WIRE FRAUD | 1                      |
| 26 USC 7206(1)             | FILING A FALSE TAX RETURN       | 2                      |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) remaining is ☐ are ☒ dismissed on the motion of the United States.

☒ Assessment: \$200.00 (\$100 as to each count)

☒ Fine waived

☐ Forfeiture pursuant to order filed \_\_\_\_\_, included herein.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

FEBRUARY 17, 2012

Date of Imposition of Sentence

HON. THOMAS J. WHELAN

UNITED STATES DISTRICT JUDGE

08CR2387-W

DEFENDANT: ABNER BETECH (2)

CASE NUMBER: 08CR2387-W

### PROBATION

The defendant is hereby sentenced to probation for a term of :

**FIVE (5) YEARS AS TO EACH COUNTS 1 AND 2 TO SERVE CONCURRENTLY TO ONE ANOTHER**

The defendant shall not commit another federal, state, or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 8 drug tests per month during the term of supervision, unless otherwise ordered by court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).

☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the special conditions imposed.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ABNER BETECH (2)  
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### SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☒ Not enter or reside in the Republic of Mexico without written permission of the Court or probation officer.
- ☐ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☒ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☒ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within \_\_\_\_\_ days.
- ☒ Complete 300 hours of community service in a program approved by the probation officer within 2 years
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of \_\_\_\_\_
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis or sweat patch testing and counseling, as directed by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☒ Notify the Collections Unit, United States Attorney's Office, of any interest in property obtained, directly or indirectly, including any interest obtained under any other name, entity, including a trust, partnership or corporation, until restitution is paid in full.
- ☒ Notify the Collections Unit, United States Attorney's Office, before transferring any interest in any property owned directly or indirectly by him, including any interest held or owned under any other name or entity, including trusts, partnerships, or corporations, until restitution is paid in full.
- ☒ Cooperate with any administrative findings of the Internal Revenue Service (IRS), shall file any delinquent income tax returns as requested, and shall file future income tax returns as required by law. The defendant shall pay tax in the amount of \$11,601.00, including penalties and interest, to the IRS as directed.

AO 245 S RESTITUTION, FORFEITURE, OR OTHER PROVISIONS OF THE JUDGMENT

DEFENDANT: Abner Betch(2)  
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**RESTITUTION**

IT IS SO ORDERED the defendant shall pay restitution, jointly and severally with co-defendants Said Betch(3) and Aviva Betch (4) in the amount of \$5,321,250.00, through the Clerk, U.S. District Court, to the victims listed below in the amounts specified, payable forthwith or during the period of supervision. Distribution of restitution to the victims is to be pro rata basis.(interest waived)

|    | Lender         | Address  | Minimum Loss |
|----|----------------|--|--------------|
| 1  | First Franklin | 877 Island Avenue, #602<br>San Diego, California         | \$509,000    |
| 2  | First Franklin | 1642 7th Avenue, #221<br>San Diego, California           | \$310,000    |
| 3  | First Franklin | 1205 Pacific Highway, #202<br>San Diego, California      | \$210,000    |
| 4  | New Century    | 1283 China Sea<br>Salton Sea, California                 | \$70,000     |
| 5  | First Franklin | 1009 Hawthorne Creek Drive<br>San Diego, California      | \$800,000    |
| 6  | First Franklin | 14444 Rock Rose<br>San Diego, California                 | \$460,000    |
| 7  | New Century    | 425 West Beech Street, #421<br>San Diego, California     | \$165,000    |
| 8  | Fremont        | 4553 Monroe Street<br>San Diego, California              | \$300,000    |
| 9  | First Franklin | 1205 Pacific Highway, #606<br>San Diego, California      | \$365,000    |
| 10 | Fremont        | 425 West Beech Street, #438<br>San Diego, California     | \$259,000    |
| 11 | Valley Vista   | 555 Front Street, #1904<br>San Diego, California         | No Loss Yet  |
| 12 | New Century    | 702 Ash Street, #304<br>San Diego, California            | \$404,750    |
| 13 | Fremont        | 300 West Beech Street, #205<br>San Diego, California     | \$147,500    |
| 14 | First Franklin | 850 West Beech Street,<br>#1803<br>San Diego, California | \$400,000    |
| 15 | Mortgage It    | 7405 Charmant Drive, #2215<br>San Diego, California      | No Loss Yet  |
| 16 | First Franklin | 7405 Charmant Drive, #2213<br>San Diego, California      | No Loss Yet  |
| 17 | Fremont        | 2035 Harmony Way<br>Vista, California                    | \$5,500      |
| 18 | Fremont        | 4125 Jamul Avenue<br>San Diego, California               | \$335,000    |
| 19 | Argent         | 3302 K Street<br>San Diego, California                   | \$369,000    |
| 20 | First Franklin | 300 West Beech Street,<br>#1308<br>San Diego, California | \$211,500    |
| 21 | New Century    | 2684 Deerpark Drive<br>San Diego, California             | No Loss Yet  |